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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,027	08/31/2001	Venkateswar R. Kowkutla	TI-31681	1605

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EXAMINER

NGUYEN, LINH V

ART UNIT	PAPER NUMBER
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2819

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,027

Applicant(s)

KOWKUTLA ET AL.

Examiner

Linh V. Nguyen

Art Unit

2819

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19-23 is/are pending in the application.
4a) Of the above claim(s) 5-16 and 19-23 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to amendment filed on 6/6/05. Claim 1 has been amended. Claims 17, 18, and 24 have been canceled. Claims 5 – 16, and 19 – 23 have been withdrawn from previous office action. Claims 1 – 4 remain in this application.

Response to Arguments

2. Applicant's arguments filed 6/6/05 have been fully considered but they are not persuasive.

On page 5 of 6, under REMARKS applicant argued that " the seed value of Komamura does not derived from a delay element of the shaper". Examiner respectful traverses from the following:

Fig. 14 of Komamura disclosing a noise shaper (13, 6, 1, 11, 12; also see Fig. 11) having a dither generation (100) arranged to introduced noise (output of 100) to the shape, and the dither generator (100) using a seed value (output of the noise shaper is a seed value for the dither generator 100) derived from a delay element of the shaper (13, 6, 11, 12, and 1 electrical elements in Fig. 14 of Komamura are delay elements, because the output signal of each and every electrical element is always delay in time from its input signal).

As discussed above, the Komamura from previous office action is applying to this office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 4, rejected under 35 U.S.C. 102(b) as being anticipated by Komamura U.S. patent No. 5,497,154.

Regarding to claim 1, Figures 11, and 14, Komamura disclose a circuit device including a noise shaper (Fig. 11) and a dither generator (100) arranged to introduce noise to the shaper (output of 100), said generator using a seed value derived from a delay element (13, 6, 11, 12, and 1 electrical elements in Fig. 14 of are delay elements, because the output signal of each and every electrical element is always delay in time from its input signal) of said shaper (13,12,11, 1).

Regarding claim 2, wherein the number of bits (Sd) in the generated noise exceeds that of the seed value (Least significant bit, see Fig. 7).

Regarding claim 3, wherein the dither generator (100) includes shift registers of predetermined bit lengths to receive said seed values and provides a noise output (Fig. 7 [100]), Col. 6 lines 1 – 6).

Regarding claim 4, Fig. (14) discloses digital amplifier including means (Fig.14 [11, 6]) for scaling said noise.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh Van Nguyen whose telephone number is (571) 272-1810. The examiner can normally be reached from 8:30 – 5:00 Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Pascal can be reached at (571) 272-1769. The fax phone numbers for the organization where this application or proceeding is assigned are (571-273-8300) for regular communications and (571-273-8300) for After Final

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communications.

08/06/05

Linh Van Nguyen

A handwritten signature in black ink, appearing to read 'Linh Van Nguyen', written in a cursive style.

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